

Applicant has carefully reviewed McDermott and respectfully submits that as is clear from the figures, all of the LEDs used in McDermott are of the standard, round-type and none of the LEDs thereof are of the elliptically light distributing type. Still further, Applicant has carefully reviewed col. 8, lines 4-14 and respectfully submits that at no place therein does it disclose "elliptically light distributing LEDs". In view of the above, therefore, Applicant respectfully submits that McDermott fails to disclose each and every element of Applicant's invention as claimed by claim 1 and claim 1 is not anticipated by McDermott.

The Examiner has rejected claims 2 and 3 under 35 USC 103 as being obvious over McDermott in view of Ryan et al., stating that McDermott discloses substantially all of the invention except for a lens made of a polycarbonate or acrylic material; Ryan et al. discloses a lens for LEDs made from polycarbonate or acrylic material; and it would have been obvious to one of ordinary skill in the art to modify McDermott in view of the teachings of Ryan et al.

In reply thereto, Applicant would like to incorporate by reference his comments above concerning McDermott and Applicant's invention and would like to again point out that Applicant's invention requires the use of "elliptically light distributing LEDs" and the LEDs of McDermott are the standard type with standard patterns. In addition, Applicant has carefully reviewed Ryan et al. and respectfully submits that while Ryan et al. may disclose lenses made of polycarbonate material, the lens in Ryan et al. has a hole in it and the LEDs are standard LEDs with a circular pattern and are not "elliptically light distributing LEDs".

In view of the above, therefore, Applicant respectfully submits that the combination of McDermott and Ryan et al. is not Applicant's invention and claims 2 and 3 are not obvious thereover.

The Examiner has rejected claims 4-7 under 35 USC 103 as being obvious over McDermott in view of Ryan et al., stating that McDermott teaches substantially all of the limitations of claims 4-7 but does not disclose that a screw that runs through the bosses of the lighting fixture fastens the stack units; Ryan et al. discloses an optic lens cell and illuminating signage having a cell array with a screw 19 to hold the lens 18 in place.

In reply thereto, Applicant would like to incorporate by reference his comments above concerning Applicant's invention, McDermott and Ryan. In addition, Applicant's further review of Ryan et al. indicates that the screw 19 appears to be a rivet and it is also placed horizontally so as to mount the lens to the LEDs. In contrast thereto, the bosses in Applicant's invention are

provided in the center of the unit, the units are stacked on top of the other and the bolt is provided through the bosses in the center. Clearly, such a construction is not suggested by Ryan et al.

In view of the above, therefore, Applicant respectfully submits that the combination of McDermott and Ryan et al. is not Applicant's invention and claims 4-7 are not obvious thereover.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

In view of the above, therefore, it is respectfully requested that this Amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

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Name

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Date

Application No. 09/706,408

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 6 has been amended as follows:

6. (Amended) The LED lighting fixture according to claim 5, wherein the stacked unit-type lenses are fastened by a screw that runs through bosses provided in a center of said unit-type lenses.